

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

JASON McWILLIAMS §
v. § CIVIL ACTION NO. 5:08cv86
JUDGE JOHN MILLER, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Jason McWilliams, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

McWilliams complains about the judicial conduct of Judge John Miller, a state district judge in Bowie County, Texas. He also names the State of Texas and Bowie County, Texas, as defendants, but articulates no claims against these entities.

After review of the pleadings, the Magistrate Judge issued a Report on June 17, 2008, recommending that the lawsuit be dismissed as frivolous. The Magistrate Judge observed that Judge Miller is shielded by the doctrine of judicial immunity, the State of Texas is shielded by the doctrine of sovereign immunity, and that McWilliams failed to show that he was deprived of any constitutional right by a custom or policy of Bowie County. Finally, the Magistrate Judge stated that McWilliams could not seek review of state court actions by filing complaints in the federal district court, cast in the form of a civil rights lawsuit.

McWilliams received a copy of the Magistrate Judge's Report on June 24, 2008, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as frivolous. 28 U.S.C. §1915A. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this 21st day of July, 2008.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE